

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF:                                     :
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The Blagden Alley                                     :
Entertainment, LLC                                    :
t/a The American                                       :
1209-1213 10th Street NW                             :
License #092766                                        :
Retailer CR                                           :
New Application                                        :
Case #14-PRO-00019                                    :
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MONDAY, MARCH 24, 2014

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C. Ms. LaVerne Fletcher, Agent, presiding.

P-R-O-C-E-E-D-I-N-G-S

10:05 a.m.

MS. FLETCHER: Would the parties in the matter of The American please come forward, the parties in the matter of The American, the parties in the matter of The American, The American? Thank you.

This is Case Number 14-PRO-00019, The Blagden Alley Entertainment, LLC, trading as The American, 1209 through 1213 10th Street NW, License Number ABRA-092766. This is a Retailer CR License Renewal.

The protest issues are adverse impact on peace, order, and quiet, real property values, and residential parking, and vehicular and pedestrian safety.

My name is LaVerne Fletcher, and I am conducting the roll call hearing as the Board's Agent pursuant to D.C. Official Code 1601.2. Introductions beginning with the Applicant?

MR. PASCAL: Good morning, Ms.

1 Fletcher. My name is Paul Pascal of Pascal
2 and Weiss on behalf of the Applicant.

3 MS. FLETCHER: Thank you, Mr.
4 Pascal. And your name, please?

5 MR. CERVERA: Xavier Cervera.

6 MS. FLETCHER: Could you spell
7 that, please?

8 MR. CERVERA: X-A-V-I-E-R last
9 name is C-E-R-V-E-R-A.

10 MS. FLETCHER: Thank you very
11 much.

12 MS. HIRAO: Risa Hirao, H-I-R-A-O,
13 of Pascal and Weiss, Counsel for the
14 Applicant.

15 MS. FLETCHER: And what's the
16 first name?

17 MS. HIRAO: R-I-S-A.

18 MS. FLETCHER: Thank you. And on
19 behalf of ANC-2F? Is anyone present on behalf
20 of ANC-2F?

21 MR. MELCHER: Yes, ANC-2F-06
22 Commissioner, Greg Melcher, M-E-L-C-H-E-R.

1 MS. FLETCHER: Thank you, Mr.
2 Melcher. That's M-E-L-C-H-E-R?

3 MR. MELCHER: Correct.

4 MS. FLETCHER: Is there anyone
5 present on behalf of a group of individuals?

6 MS. SCHAUER: Yes.

7 MS. FLETCHER: Oh, your name?

8 MS. SCHAUER: First name is
9 Barbara, B-A-R-B-A-R-A. Last name is Schauer,
10 S-C-H-A-U-E-R.

11 MS. FLETCHER: Thank you, Ms.
12 Schauer. And are you the designated
13 representative on behalf of the group of 34?

14 MS. SCHAUER: There are two of us,
15 myself and Carolyn Beebe.

16 MS. FLETCHER: Okay, Ms. Beebe,
17 could you come to the - behind the table there
18 and speak into the microphone and state your
19 name?

20 MS. BEEBE: My name is Carolyn
21 Beebe, C-A-R-O-L-Y-N Beebe B-E-E-B-E.

22 MS. FLETCHER: Thank you. Are

1 there other individuals present from your
2 group?

3 MS. BEEBE: Yes.

4 MS. FLETCHER: Can you line up
5 behind Ms. Schauer, please, and just state
6 your name?

7 MR. LIPINSKI: My name is Don
8 Lipinski.

9 MS. FLETCHER: Mr. Lipinski, did
10 you already spell your name for the court
11 reporter?

12 MR. LIPINSKI: Yes.

13 MS. FLETCHER: Okay, so if you've
14 already spelled your name for the court
15 reporter, you will need to spell it again, but
16 can you just state it one more time?

17 MR. LIPINSKI: It's L-I-P-I-N-S-K-
18 I.

19 MS. FLETCHER: Thank you. And
20 what's the first name?

21 MR. LIPINSKI: Donald.

22 MS. FLETCHER: Thank you.

1 MR. HORVATH: Edward Horvath, H-O-
2 R-V-A-T-H.

3 MS. FLETCHER: H-O-R-

4 MR. HORVATH: V-A-T-H.

5 MS. FLETCHER: Okay, thank you.

6 MS. SAGE: My name is Gemma Sage.

7 MS. FLETCHER: What is it?

8 MS. SAGE: G-E-M-M-A Sage S-A-G-E.

9 MS. FLETCHER: Thank you. Anyone
10 else from your - from the group? That's it?
11 Okay, thank you. There are five people
12 present from the group. There are five people
13 present from your group. You too, sir? You
14 already stated your name? You don't need to
15 sign -

16 MS. SAGE: Oh, I see.

17 MS. FLETCHER: - the sign-in, only
18 the designated representative.

19 MS. SAGE: Oh, I see, all right.

20 MS. FLETCHER: So, if you signed
21 it, that's good.

22 MS. SAGE: All right, very good.

1 Thank you.

2 MS. FLETCHER: You're welcome.

3 ANC 2F has standing as a protestant. The
4 group of 34 is granted standing as a
5 protestant because at least five of you are
6 present. Five of you are present. Yeah, five
7 of you are present today, and so standing is
8 granted to your group. We need to set a date
9 for a mediation.

10 MR. PASCAL: Ms. Fletcher, we'd
11 like to do that this week if possible, because
12 I'm leaving the country next Monday and I'll
13 be out most of April, so - and I've talked
14 with Mr. Melcher. I've had a chance to talk
15 with Ms. Schauer, but I'd like to set it this
16 week.

17 MS. FLETCHER: For mediation?

18 MR. PASCAL: Right.

19 MS. FLETCHER: We can do that.

20 MR. PASCAL: I'm totally open on
21 Wednesday, Thursday, or Friday.

22 MR. MELCHER: I'm not.

1 MS. SCHAUER: Neither am I.

2 MS. FLETCHER: We can do it
3 tomorrow.

4 MR. PASCAL: That's fine. What
5 time?

6 MS. SCHAUER: It doesn't work.

7 MS. FLETCHER: Okay, Ms. Schauer
8 is not available tomorrow. We could do it
9 Wednesday.

10 MS. SCHAUER: I'm not available
11 this week.

12 MR. PASCAL: But you have a co-
13 representative, and all it takes is someone
14 from your group.

15 MS. FLETCHER: Well, then what I'm
16 going to - if Ms. Beebe is available, of the
17 two representatives from the group, are you
18 available on either one of those days?

19 MS. BEEBE: What days are you
20 available?

21 MR. PASCAL: I'm available
22 Wednesday, Thursday, and Friday, totally

1 available.

2 MS. FLETCHER: The dates available
3 are Tuesday and Wednesday.

4 MR. PASCAL: Tuesday. The only
5 time I have something on Tuesday is I do have
6 an important meeting at 2:00 in the afternoon
7 in my office, but I could meet mid-morning.
8 I could meet late in the afternoon.

9 MS. FLETCHER: So, on Tuesday,
10 9:00 and 10:00 are available, 9:00, 10:00, and
11 11:00.

12 MS. BEEBE: I'm sorry, I can't.

13 MS. FLETCHER: Can you come on
14 Wednesday?

15 MS. BEEBE: Those won't work.
16 Wednesday is no good for me.

17 MS. FLETCHER: Okay, then we'll
18 just have to - we just won't be able to do it
19 this week then. Ms. Pascal, when are you
20 coming back?

21 MR. PASCAL: Pardon me?

22 MS. FLETCHER: When are you

1 returning?

2 MR. PASCAL: I'm returning - I'm
3 flying back on the 24th of April.

4 MS. FLETCHER: Okay.

5 MR. PASCAL: So -

6 MS. FLETCHER: Which means that
7 would be after the - that would be after the -

8 MR. PASCAL: So, anytime during
9 the week of the 28th.

10 MS. FLETCHER: Okay, let's see.

11 MR. PASCAL: And I'm pretty
12 flexible on that week.

13 MS. FLETCHER: Okay, well, what
14 about April the 1st?

15 MR. PASCAL: No, April 1st -

16 MS. FLETCHER: I mean May 1st, I'm
17 sorry.

18 MR. PASCAL: May 1st, that's fine.
19 Anytime after 10:00 that day is fine.

20 MS. FLETCHER: So, 11:00 is
21 available on that day, 11:00 and 1:00.

22 MR. PASCAL: I can make that work.

1 MS. FLETCHER: What time is good
2 for you, Mr. Melcher?

3 MR. MELCHER: Say the date again,
4 please. Thursday?

5 MS. FLETCHER: Thursday, May the
6 1st.

7 MR. MELCHER: At 11:00, I could do
8 that.

9 MR. PASCAL: 11:00, okay.

10 MS. FLETCHER: Is that good for
11 you, Ms. Schauer?

12 MS. SCHAUER: Yes.

13 MR. PASCAL: Thank you.

14 MS. FLETCHER: Okay, so I'm going
15 to give you the dates of the status hearing
16 and the protest hearing. The date for the
17 status hearing is April 23rd. That precedes
18 your mediation. The date is pre-set for the
19 status hearing. In this case, it's April
20 23rd.

21 The mediation would normally take
22 place prior to that, but Mr. Pascal's going to

1 be out of town. You may petition the Board to
2 change the status hearing date. In this case,
3 they may not because your protest hearing is
4 actually coming up on May 7th.

5 So, when you come to the status
6 hearing, you just report to the Board that the
7 mediation will be held on May the 1st.

8 MR. PASCAL: Ms. Fletcher, I'll
9 file a motion.

10 MS. FLETCHER: Okay.

11 MR. PASCAL: I'll file a motion
12 under the circumstances because it wouldn't
13 pay to go to the status hearing if we haven't
14 had the mediation.

15 MS. FLETCHER: Okay.

16 MR. PASCAL: I'll file a motion.

17 MS. FLETCHER: I'll make a note of
18 that. Okay, thank you. And the protest
19 hearing is set for May the 7th.

20 MR. PASCAL: What time?

21 MS. FLETCHER: At 1:30 p.m.

22 MR. PASCAL: 1:30.

1 MS. FLETCHER: Any questions at
2 all? Okay, thank you for coming. Roll call
3 here is concluded.

4 MS. SCHAUER: Thank you.

5 (Whereupon, the Roll Call Hearing
6 was concluded at 10:14 a.m.)
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